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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,266	08/27/2003	David Ross	740618-57	5231

22204 7590 02/24/2009
NIXON PEABODY, LLP
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EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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02/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,266

Applicant(s)

ROSS ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/7/08 (RCE with Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, Jr. et al (US 5,982,456).

Claim 12:

Smith discloses:

A video production switcher (see Fig. 1, col. 3 lines 40-41), comprising:

“an integrated digital video effects processor having processing elements”, see col. 4 lines 52-67;

“one or more keyers”, see col. 2 lines 51-52, col. 4 lines 10-11;

“one or more mixers”, see Fig. 1 items 24, 38;

“one or more effects devices”, see Fig. 1 items 24, 38, 36; and

“routing elements”, see Fig. 1 items 28, 32, 34, 12;

“wherein the digital video effects processor has dedicated connections from the

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one or more keyers, the one or more mixers, the effects devices, and the routing elements to the processing elements of the digital video effects processor, wherein said dedicated connections guarantee routing of video and key signals between the processing elements of the digital video effects processor and the one or more keyers, the one or more mixers, the one or more effects devices, and the routing elements”, see Fig. 1 items 30, 32, 34, 28, col. 3 lines 6-27, col. 4 lines 10-67.

Claim 13 is disclosed, see col. 4 lines 12-32.

Claim 14 is disclosed, see col. 3 lines 6-27.

Claims 15-18 are disclosed, see col. 4 lines 6-67, col. 3 lines 6-27.

Claim 19 is disclosed, see Fig. 1 items 38.

Claims 20, 21 are disclosed, see col. 3 line 58 to col. 4 line 63.

Claim 22 is disclosed, see col. 3 lines 51-65, col. 4 lines 21-27.

Claim 23:

Smith discloses:

A video production switcher (see Fig. 1, col. 3 lines 40-41), comprising:

“a multi-level effects (MLE) device comprising one or more keyers, one or more mixers, and the routing elements”, see Fig. 1, col. 3 lines 6-27, col. 4 lines 10-11, 33-51;

“a digital video effects processor integrated into the MLE device with the one or more keyers, one or more mixers, and the routing elements”, see col. 4 lines 52-67.

Claim 24 is disclosed, see col. 4 lines 52-67.

Claims 25-30 are disclosed for the same reasons as claims 13-18.

Claim 31 is disclosed, see col. 4 lines 52-67.

Response to Arguments

3. Applicant's arguments have been fully considered but they are moot in view of new interpretation of the reference necessitated by the amendment; all the added limitations and new claims have been addressed in the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
Feb. 24, 09

/David L. Ometz/
Supervisory Patent Examiner, Art Unit 2622